

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS

ORDINANCE NO. 22-010-00

AN ORDINANCE OF THE CITY OF LEANDER, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON THE QUESTION OF THE CITY OF LEANDER'S CONTINUED PARTICIPATION IN THE CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY; DESIGNATING MAY 7, 2022, AS THE DATE OF THE SPECIAL ELECTION; PRESCRIBING THE FORM OF THE BALLOT; PROVIDING FOR ELECTION PROCEDURES; AND PROVIDING FOR AN EFFECTIVE DATE; PROVIDING AND OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council of the City of Leander, Texas has determined that the citizens of Leander should be given an opportunity to vote on Leander's continued participation in the Capital Metropolitan Transportation Authority, pursuant to *Section 451.601, et seq., Texas Transportation Code*;

WHEREAS, Section 451.607, Texas Transportation Code, provides that the election must be held on the first applicable uniform election date occurring after the expiration of 90 days after the date the governing body orders the election;

WHEREAS, May 7, 2022 is the first applicable uniform election date occurring after the expiration of 90 days after the date of this ordinance ordering the special election;

WHEREAS, the City Council finds it appropriate to substitute the words "Yes" and "No" on the ballot for "For" and "Against" to be consistent with language used for other City propositions anticipated to be considered at the May 7, 2022 election;

WHEREAS, the City of Leander lies within the boundaries of Williamson and Travis Counties;

WHEREAS, the City of Leander, Texas (hereinafter the "City") approves and agrees to conducting the election jointly with other political subdivisions in Williamson and Travis Counties in accordance with *Tex. Elec. Code, Chapter 271*; and

WHEREAS, the City is making provision to contract with the Williamson County Elections Administrator to conduct the City's election for Williamson County voters residing in the City and the Travis County Elections Administrator to conduct the election for Travis County voters residing in the City, pursuant to *Chapter 31, Tex. Elec. Code*, and *Chapter 791, Tex. Gov't Code* (the "Election Services Contracts");

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS:

Section 1. Special Election Ordered. The City Council of the City of Leander hereby orders a special election to be held on May 7, 2022, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of submitting to the qualified voters of the City the question of the City's continued participation in the Capital Metropolitan Transportation Authority.

Section 2. Ballot and Proposition Language. The official ballots for said special election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "YES" or "NO" as to the proposition, with the ballots to contain such provisions, markings and language as required by law, and with such proposition to be expressed in a form substantially as follows:

City of Leander Proposition A
Capital Metropolitan Transportation Authority Continuation

Shall the Capital Metropolitan Transportation Authority be continued in the City of Leander?

_____ YES _____ NO

Section 3. Printed Materials. The official ballots, together with such other election materials as are required by the *Texas Election Code*, as amended, shall be printed in both the English and Spanish languages and shall contain such provisions, markings and language as required by law.

Section 4. Notice of Election. Notice of the election shall be given in the manner as provided in the *Texas Election Code* and the *City Charter*. The notice of election shall be posted on the bulletin board used for posting notice of meetings of the governing body at City Hall and at other locations required by state law not later than the twenty-first (21st) day before the election, and by publishing said notice of election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in English and Spanish in a newspaper of general circulation in the City. The Williamson County Elections Administrator and the Travis County Elections Administrator are authorized and shall give all notices for their respective jurisdictions required for the election.

Section 5. Conduct of Election. The Williamson County Elections Administrator and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election for that part of the City located in Williamson County pursuant to the Election Services Contract between the City of Leander and Williamson County. The Travis County Elections Administrator and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election for that part of the City located in Travis County pursuant to the Election Services Contract between the City of Leander and Travis County. The election shall be held and conducted in compliance with the City Charter, state law, and the respective Election Services Contracts.

Section 6. Joint Election. The City agrees to conduct a joint election with other political subdivisions within Williamson County and within Travis County, provided that such political subdivisions hold an election on May 7, 2022, in all or part of the same territory as the City (the "Political Subdivisions"). The joint election for Political Subdivisions will be conducted in accordance with state law, this ordinance, and the respective Election Services Contracts.

Section 7. Election Precincts and Election Day Polling Places.

- (a) The election precincts for the election shall be the election precincts established by Williamson County for the territorial boundaries of the City located in Williamson County, and the election precincts established for Travis County the territorial boundaries of the City located in Travis County, provided that each shall contain and include geographic area that is within the City.
- (b) The polling place for each election precinct located in Williamson County shall be the polling place established by Williamson County. The polling place for each election precinct located in Travis County shall be the polling place established by Travis County. The returns will be provided by precinct and the Williamson County Elections Administrator shall tabulate and provide the election returns for votes cast by Williamson County voters. The returns will be provided by precinct and the Travis County Elections Administrator shall tabulate and provide the election returns for votes cast by Travis County voters.

Section 8. Early Voting.

- (a) Early voting shall commence on Monday, April 25, 2022, and continue through Tuesday, May 3, 2022 and early voting polls shall remain open for the time specified by the *Texas Election Code* and the respective Elections Administrator.
- (b) The period to apply for a ballot by mail is January 1, 2022 through April 26, 2022. An application for ballot by mail (ABBM) must be received by the Early Voting Clerk no later than the close of business on April 26, 2022.
- (c) The period to apply for a federal postcard application (FPCA) is January 1, 2022 through April 26, 2022. An FPCA must be received by the Early Voting Clerk no later than the close of business on April 26, 2022.
- (d) Early Voting Conducted by the Williamson County Elections Administrator:
 - 1) Early voting, both by personal appearance and by mail will be conducted by the Williamson County Elections Administrator in accordance with the *Texas Election Code* for the qualified voters of the City residing in Williamson County. Christopher J. Davis is hereby designated and appointed as an Early Voting Clerk for the special election for qualified voters of the City residing in Williamson County.
 - 2) Applications for ballot by mail for qualified voters of the City residing in Williamson County shall be mailed to:

Christopher J. Davis
Williamson County Elections Administrator
Williamson County Elections Department

Mailing Address:
PO Box 209
Georgetown, TX 78627

Physical Address:
Williamson County Inner Loop Annex
Elections Department
301 SE Inner Loop Ste 104
Georgetown, TX 78626

Telephone Number: (512) 943-1630

Email Address: cjdavis@wilco.org

Website: <https://www.wilco.org/Departments/Elections>

- 3) The main early voting location for qualified voters of the City residing in Williamson County is: Leander Public Library, 1101 S. Bagdad Rd., Leander, Texas 78641.
 - 4) Early voting for qualified voters of the City residing in Williamson County shall be held at the dates, times, and location authorized by the Williamson County Elections Administrator. Any early voting polling place may be added or changed by the Administrator upon compliance with applicable law.
- (e) Early Voting Conducted by the Travis County Elections Administrator:
- 1) Early voting, both by personal appearance and by mail will be conducted by the Travis County Elections Administrator in accordance with the *Texas Election Code* for the qualified voters of the City residing in Travis County. Rebecca Guerrero, Interim County Clerk, is hereby designated and appointed as an Early Voting Clerk for the special election for qualified voters of the City residing in Travis County.
 - 2) Applications for ballot by mail for qualified voters of the City residing in Travis County shall be mailed to:
 - By mail:
 - Rebecca Guerrero, Interim County Clerk
 - Travis County Early Voting Clerk
 - PO Box 149325
 - Austin, Texas 78714-9325
 - By Contract Carriers/ Fedex:
 - Elections Division
 - Travis County Clerk
 - 5501 Airport Blvd.
 - Austin, Texas 78751
- Telephone: (512) 238-VOTE
Email: elections@traviscountytexas.gov
Website: <https://countyclerk.traviscountytexas.gov/departments/elections/>
- 3) The main early voting location for qualified voters of the City residing in Travis County is: Christ Episcopal Church, 3520 W Whitestone Blvd, Cedar Park, TX 78613.
 - 4) Early voting for qualified voters of the City residing in Travis County shall be held at the dates, times, and location authorized by the Travis County Elections Administrator. Any early voting polling place may be added or changed by the Administrator upon compliance with applicable law.

Section 9. Election Judges and Clerks. The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Williamson County and Travis County, respectively, in compliance with the requirements of state law, and are hereby designated and appointed election officers for the holding of said election and such appointments are approved. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law.

Section 10. City Secretary Assistance. The City Secretary is hereby authorized and instructed to aide the Williamson and Travis County Elections Administrators in the acquisition and furnishing of

all election supplies and materials necessary to conduct the election. The City Secretary is further authorized to assist with the giving of notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Texas Election Code*; provided that, pursuant to the Election Services Contracts between the City and the Travis and Williamson County Elections Administrators, the Travis and Williamson County Elections Administrators shall have the duty and be responsible for organizing and conducting the election in compliance with the *Texas Election Code*; and for providing all services specified to be provided in the Election Services Contracts.

Section 11. Necessary Actions. The Mayor and the City Secretary of the City, in consultation with the City's Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Code and the Federal Voting Rights Act in carrying out and conducting the Election, whether or not expressly authorized herein, including but not limited to making changes or additions to polling places, ballot language, or procedures to the extent required or desirable or as may become necessary due to circumstances arising after the date of this Ordinance. The City Manager is further authorized to give notice of the election as provided in Section 451.607, Texas Election Code.

Section 12. General. The general election shall be held and conducted by the Williamson and Travis County Elections Administrators in compliance with the *Tex. Elec. Code* and, to the extent not inconsistent therewith, the *City Charter*, and only resident qualified voters of the City shall be eligible to vote at the election. The Election Officers are hereby authorized and instructed to provide and furnish all necessary election supplies, materials, and equipment to conduct said election. Returns of the election shall be made known as soon as possible after the closing of the polls; and the election returns shall be canvassed by the City Council not earlier than May 10, 2022 nor later than May 18, 2022.

Section 13. Authorization to Execute. The Mayor is authorized to execute and the City Secretary is authorized to attest this Ordinance on behalf of the Council; and the Mayor is authorized to do all other things legal and necessary in connection with the holding and consummation of the Election.

Section 14. Effective Date; Election Code; Preamble. This ordinance shall be in full force and effect from and after its passage on the date shown below; provided that if any term or provision of this Ordinance conflicts with, or is inconsistent with, the Texas Elections Code, the Texas Election Code shall govern and control and the Williamson County Elections Administrator and the Travis County Elections Administrator shall comply with the Texas Elections Code. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes as part of the findings of Council.

Section 15. Severability. If any provision, section of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 16. Open Meetings. It is officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required *Chapt. 551, Tex. Gov't. Code*.


PASSED, ADOPTED AND APPROVED on this the 25th day of January, 2022.

CITY OF LEANDER, TEXAS



Christine DeLisle, Mayor

Attest:



Dara Crabtree, City Secretary

